

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**ANTHONY WILLIAMS,**  
**Plaintiff**

**v.**

**PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS, *et al.*,**  
**Defendants**

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**CIVIL NO. 1:14-CV-1338**

**(Judge Rambo)**

**(Magistrate Judge Mehalchick)**

**MEMORANDUM**

Before the court are objections (Doc. 18) filed by Anthony Williams to a November 18, 2014, report and recommendation of the magistrate judge (Doc. 14). The complaint in this case was filed by Williams on July 14, 2004. On August 18, 2014, the magistrate judge denied Williams' motion to proceed *in forma pauperis* pursuant to the "three strikes rule" set forth in 28 U.S.C. § 1915(g) and because he failed to demonstrate that he was under imminent danger of serious physical injury at the time the complaint was filed.

On September 23, 2014, Williams filed a response in objection and for reconsideration (Doc. 12). The magistrate judge construed this as a motion for reconsideration and denied the motion on October 9, 2014 (Doc. 13). Williams was warned in that order that failure to pay the full filing fee within thirty days of October 9, 2014, would result in a recommendation that the action be dismissed. (*See* Doc. 14.) On November 18, 2014, the magistrate judge filed a report and recommendation (Doc. 14) in which she recommended that the case be dismissed for failure to comply with the order of October 9, 2014. That report also advised that

objections to the report and recommendation were due no later than December 5, 2014.

On December 4, 2014, Williams filed an affidavit (Doc. 15) alleging that he refused to accept the order of October 19, 2014 because, he claims, that the mailing was opened by unauthorized persons. By order of this court dated December 8, 2014 (Doc. 16), Williams was granted leave to file objections by December 29, 2014.

Williams' objections now before this court continue to allege that he is in imminent danger of serious bodily injury and is within the safety clause of the "three strikes" rule."<sup>1</sup> He argues that the magistrate judge failed to address the imminent danger of physical injury; however, the magistrate judge's report and recommendation of August 27, 2014 (Doc. 11), the magistrate judge made a thorough examination of this rule and how Williams' case did not qualify for relief. She pointed out that Williams is getting care for his Hepatitis C, although he expects a certain type of treatment which the prison is not giving him. No one disputes that one with Hepatitis C faces health difficulties in the future, which at this point in time are unspecified and do not amount to imminent danger.

The reports and recommendations of August 27, 2014 (Doc. 11) and November 18, 2014 (Doc. 14) will be adopted. An appropriate order will be issued.

s/Sylvia H. Rambo  
United States District Judge

Dated: January 30, 2015.

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<sup>1</sup>Williams does not contest that he otherwise fits within the "three strikes rule."